

FILED

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2022 FEB -9 AM 10:59

KARLA GRIFFITH, CLERK

8 UNITED STATES DISTRICT COURT
9 DISTRICT OF NEVADA

10 United States of America,

Case No. 2:22-MJ-105-VCF

11 Plaintiff,

12 COMPLAINT for violations of:

13 v.
14 KEVIN CHRISTOPHER KALE,

15 18 U.S.C. §§ 922(a)(6) and 924(a)(2) –
16 False Statement in Acquisition of a
Firearm

Defendant.

17 Before the Honorable Cam Ferenbach, United States Magistrate Judge, Las Vegas,
18 Nevada, the undersigned Complainant, being duly sworn, deposes and states:

COUNT ONE

19 False Statement in Acquisition of a Firearm
(18 U.S.C. §§ 922(a)(6) and 924(a)(2))

20 On or about August 18, 2021, in the State and Federal District of Nevada,

21 KEVIN CHRISTOPHER KALE,

22 defendant herein, in connection with the acquisition of firearms, to wit:

- 23 1. a Ruger LCP, .380 caliber pistol, bearing serial number 372463405;
2. a Ruger EC9S, 9mm pistol, bearing serial number 459-68942;

1 3. a Ruger LCP II, .380 caliber pistol, bearing serial number 380660725;
2 4. a Smith and Wesson 637-2, .38 caliber revolver, bearing serial number
3 DPB6084;

4 5. a Beretta APX, 9mm pistol, bearing serial number AXC055018;
5 6. a Glock 43X, 9mm pistol, bearing serial number BUDN699;
6 7. a Springfield Hellcat, 9mm pistol, bearing serial number BA387172;
7 8. a Sig Sauer P365, 9mm pistol, bearing serial number 66B644749;
8 9. a Kimber Micro 9 STG, 9mm pistol, bearing serial number PB0409015;
9 10. a Kimber Micro 9, 9mm pistol, bearing serial number TB0053638;
10 11. a Kimber Stainless II, .45 caliber pistol, bearing serial number K793570;
11 12. a Pioneer Arms/Radom Hell Pup, 9mm pistol, bearing serial number
12 PAC1155404;

13 13. a Masterpiece Arms MPA30DMG, 9mm pistol, bearing serial number
14 FX26335; and

15 14. an ABC Rifle Co. ABC-15, 5.56 caliber pistol, bearing serial number 77-7286,
16 from "S&S Wholesale Arms," a licensed dealer of firearms within the meaning of Chapter
17 44 of Title 18, United States Code, knowingly made and caused to be made a false and
18 fictitious written statement to "S&S Wholesale Arms," which statement was intended and
19 likely to deceive "S&S Wholesale Arms," as to a fact material to the lawfulness of such sale
20 of said firearms to the defendant under Chapter 44 of Title 18, United States Code, in that
21 KEVIN CHRISTOPHER KALE did complete and execute a Bureau of Alcohol, Tobacco,
22 Firearms and Explosives Form 4473 Firearms Transaction Record, wherein KEVIN
23 CHRISTOPHER KALE represented he was the actual transferee/buyer of the firearms,

1 when in fact, and as KALE well knew, he was acquiring the firearm on behalf of another
2 person, all in violation of Title 18, United States Code, Sections 922(a)(6) and 924(a)(2).

PROBABLE CAUSE AFFIDAVIT

Your Complainant, as a Special Agent ("SA") with the Bureau of Alcohol, Tobacco,
Firearms, and Explosives ("ATF"), states the following as and for probable cause:

6 1. Your Complainant is a Special Agent with ATF, a component of the United
7 States Department of Justice, and has been so employed since May 2016. Your Complainant
8 is currently assigned to the ATF Las Vegas Group II Crime Gun Intelligence Task Force.
9 As an ATF Special Agent, Your Complainant has successfully completed the Criminal
10 Investigator Training Program and Special Agent Basic Training at the Federal Law
11 Enforcement Training Center in Glynco, Georgia, and has conducted and participated in
12 both state and federal investigations including, but limited to, the trafficking of firearms and
13 the illegal possession of firearms.

14 2. The following information contained within this criminal complaint is based
15 upon Your Complainant's participation in this investigation as well as information and
16 reports provided to me by other law enforcement personnel. This statement does not include
17 all information in reference to this investigation, but rather only those facts necessary to
18 establish probable cause.

FACTS ESTABLISHING PROBABLE CAUSE

20 3. Your Complainant has reviewed an ATF Form 4473/Firearms Transaction
21 Record that documents the transfer of 14 firearms from "S&S Wholesale Arms," a federal
22 firearms licensee ("FFL"), to Kevin Christopher Kale ("KALE"). Form 4473 is a form
23 promulgated by the ATF that is completed when a person purchases a firearm from an FFL.

1 Form 4473 requires the purchaser to show proof of name, address, date of birth, government-
2 issued photo ID, NICS background check transaction number, and a short affidavit stating
3 that the purchaser is eligible to purchase firearms under federal law. The first "Yes" or "No"
4 question (#21.a) on Form 4473 asks the purchaser, "Are you the actual transferee/buyer of
5 the firearm(s) listed on this form?" This question is directly followed by a warning:
6 "Warning: You are not the actual transferee/buyer if you are acquiring the firearm(s) on
7 behalf of another person. If you are not the actual transferee/buyer, the licensee cannot
8 transfer the firearm(s) to you." KALE provided his personal identifying information on the
9 form and signed the second page of the form indicating that his answers on the form are true,
10 correct, and complete. On question 21.a, KALE marked the "yes" box, indicating that the
11 firearms purchased were for him. He signed the form on August 18, 2021. He recertified
12 the form on August 19, 2021, indicating that all responses on the form were still true, correct,
13 and complete. The form indicated that the following firearms were acquired by KALE on
14 August 19, 2021:

- 15 a. a Ruger LCP, .380 caliber pistol, bearing serial number 372463405;
- 16 b. a Ruger EC9S, 9mm pistol, bearing serial number 459-68942;
- 17 c. a Ruger LCP II, .380 caliber pistol, bearing serial number 380660725;
- 18 d. a Smith and Wesson 637-2, .38 caliber revolver, bearing serial number
DPB6084;
- 19 e. a Beretta APX, 9mm pistol, bearing serial number AXC055018;
- 20 f. a Glock 43X, 9mm pistol, bearing serial number BUDN699;
- 21 g. a Springfield Hellcat, 9mm pistol, bearing serial number BA387172;
- 22 h. a Sig Sauer P365, 9mm pistol, bearing serial number 66B644749;

- 1 i. a Kimber Micro 9 STG, 9mm pistol, bearing serial number PB0409015;
- 2 j. a Kimber Micro 9, 9mm pistol, bearing serial number TB0053638;
- 3 k. a Kimber Stainless II, .45 caliber pistol, bearing serial number K793570;
- 4 l. a Pioneer Arms/Radom Hell Pup, 9mm pistol, bearing serial number
5 PAC1155404;
- 6 m. a Masterpiece Arms MPA30DMG, 9mm pistol, bearing serial number
7 FX26335; and
- 8 n. an ABC Rifle Co. ABC-15, 5.56 caliber pistol, bearing serial number 77-
9 7286;

10 4. In addition, "S&S Wholesale Arms" provided two receipts documenting
11 KALE's acquisition/purchase of the 14 firearms. The first receipt was dated August 18,
12 2021, which indicated KALE paid \$300 in cash and \$9 on his debit card for a total of \$309.
13 This receipt for \$309 was for a Ruger LCP, .380 caliber pistol, bearing serial number
14 372463405, tax, and fee for the background check.

15 5. The second receipt was dated August 19, 2021, which included the additional
16 above listed 13 firearms; the receipt indicated that KALE paid \$8,200.00 in cash for the rest
17 of the guns.

18 6. On January 31, 2022, ATF investigators conducted a recorded interview with
19 KALE. Before the interview began, KALE waived his *Miranda* rights and agreed to answer
20 questions from investigators. In the interview, KALE admitted that he met someone he
21 knew as "Dave" who he identified from a photograph as David Owen Ivar¹ ("IVAR").

22

23 ¹ David Owen Ivar is charged in Case Number 2:21-cr-00302-JCM-DJA with Conspiracy
24 in violation of 18 U.S.C. § 371; False Statement in Acquisition of a Firearm and Aiding

1 KALE stated that IVAR asked him to purchase firearms for him and that IVAR knew he
2 was hurting for money. KALE also admitted that he believed IVAR was not able to purchase
3 firearms for himself because of his prior time spent in jail. He stated he later found out from
4 someone else that IVAR had a criminal record. KALE described how IVAR would provide
5 him with a paper list of the exact firearms to purchase. IVAR would instruct KALE which
6 store to go to, and to purchase firearms with the cash IVAR would provide. KALE stated
7 the 14 firearms he acquired from "S&S Wholesale Arms" on August 19, 2021 were for IVAR,
8 and that he transferred them to IVAR shortly after purchase.

CONCLUSION

10 7. Based upon the information set forth in this application, your Complainant
11 respectfully submits that there is probable cause to believe that KEVIN KALE did commit a
12 violation of 18 U.S.C. §§ 922(a)(6) and 924(a)(2).

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Respectfully submitted,

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Special Agent James Gustaw
Bureau of Alcohol, Tobacco, Firearms
and Explosives

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Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone on this 9 day of February, 2022

19

20

UNITED STATES MAGISTRATE JUDGE

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and Abetting in violation of 18 U.S.C. §§ 922(a)(6), 924(a)(2), and 2; and Felon in Possession of a Firearm in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2).